

**DEPARTMENT OF SOCIAL SERVICES**

744 P Street, Sacramento, CA 95814



April 23, 2004

Regulation Package #0403-10

CDSS MANUAL LETTER NO. EAS-04-03

TO: HOLDERS OF THE EAS MANUAL

**Regulation Package #0403-10****Effective 2/2/04****Sections 40-131, 40-181, 42-711, 47-120, and 47-301**

This manual letter has been posted on the Office of Regulations Development website at [http://www.dss.cahwnet.gov/ord/Eligibilit\\_617.htm](http://www.dss.cahwnet.gov/ord/Eligibilit_617.htm).

The attached regulations reflect changes made following the public hearing to the emergency regulations for Retroactive Child Care Payment Limits (AB 444) that were effective July 1, 2003. Following are the substantive post-hearing changes:

- Language was amended to extend the time frame for counties to process child care requests from five working days to ten calendar days and to require counties to provide applicants/recipients with the county's child care request form upon request.
- A handbook section was added to encourage counties to inform families verbally of the availability of child care subsidies.

These regulations were considered at the Department's public hearing held on August 20, 2003.

**FILING INSTRUCTIONS**

**For all pages in this manual letter, revisions are indicated by a vertical line in the left margin. Revisions shown in graphic screen will continue to be shown in that manner on the other pages of this manual until those pages are released in a manual letter.** The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing EAS changes was EAS-04-02.

**Page(s)****Replace(s)**

1  
98 and 99  
108 and 109  
228.1 and 229  
625  
630 through 630.2  
639 through 639.3a

Page 1  
Pages 98 and 99  
Pages 108 and 109  
Pages 228.1 and 229  
Page 625  
Pages 630 and 630.1  
Pages 639 through 639.3

Attachments

RG

**This page is intentionally left blank.**

---

## INTRODUCTION

---

This Users' Manual is used as an operational tool.

This manual contains

- a) Regulations adopted by the Department of Social Services (DSS) for the governance of its agents, licensees, and/or beneficiaries
- b) Regulations adopted by other state departments affecting DSS programs
- c) Statutes from appropriate codes which govern DSS programs
- d) Court decisions and
- e) Operational standards by which DSS staff will evaluate performance within DSS programs.

Regulations of DSS are printed in gothic type as is this sentence.

Handbook material, which includes reprinted statutory material, other departments' regulations and examples, is separated from the regulations by double lines and the phrases **"HANDBOOK BEGINS HERE"**, **"HANDBOOK CONTINUES"**, AND **"HANDBOOK ENDS HERE"** in bold print. Please note that both other **departments' regulations** and statutes are mandatory, not optional.

In addition, please note that as a result of the changes to a new computer system revised language in this manual letter and subsequent Eligibility and Assistance Standards Manual Letters will now be identified by a vertical line in the left margin.

Questions relative to this Users' Manual should be directed to your usual program policy office.

**This page is intentionally left blank.**

<b>40-131</b>	<b>INTERVIEW REQUIREMENT (Continued)</b>	<b>40-131</b>
---------------	--	---------------

- i. The availability of assistance or service under some other program either public or private if the needed assistance or service cannot be met by the county department.
- j. The right to request a state hearing in relation to any action or inaction of the county, including a verbal explanation, in a manner and language which the applicant understands, of the nature of the state hearing process.
- k. The purpose, provision, and availability of early and periodic screening, diagnosis and treatment services for children under the Child Health Disability Prevention (CHDP) program.
- l. The responsibility of a parent to support his or her children and the right of the parent or caretaker relative living with the child for whom aid is requested to claim exemption from the cooperation requirements as provided in Section 82-512. The law requires as conditions of eligibility:
  - (1) the assignment of accrued spousal and child support rights for himself or herself and for all children required to be in the AU, and that the receipt of public assistance operates as an automatic assignment unless there is a written refusal to assign such rights; and
  - (2) cooperation in the identification and location of the absent parent, establishment of paternity, and establishment and enforcement of the support obligation unless exempted in accordance with the provisions of Section 82-512.
- m. The furnishing of the Social Security Number (SSN) is a condition of eligibility required by Section 402(a)(25) of the Social Security Act, and that the SSN will be utilized in the administration of the AFDC Program.
- n. The fact that information regarding his/her eligibility will be requested through the automated Income and Eligibility Verification System (IEVS) and will be used to aid in determining their eligibility for assistance.
- o. The applicant's responsibility to apply for and take all appropriate steps to obtain specific benefits for which he/she appears to be potentially eligible.
- p. The availability of a reduced income supplemental payment and the necessity that an assistance unit request the payment in order for it to be provided.

---

**HANDBOOK BEGINS HERE**

---

(See Section 44-400 regarding reduced income supplemental payments.)

---

**HANDBOOK ENDS HERE**

---

- q. The applicant's responsibility to cooperate in a quality control review.
- 

---

**HANDBOOK BEGINS HERE**

---

See Chapter 40-200, Quality Control Cooperation Requirements.

---

**HANDBOOK ENDS HERE**

---

- r. The availability of transitional child care benefits and transitional Medi-Cal benefits for recipients who are discontinued from AFDC due to certain employment-related circumstances.
- (1) The county shall be permitted to discuss this information either at application or at time of approval.
- s. The availability of program activities and supportive services of the GAIN Program for which applicants and recipients may be eligible. (See Sections 40-107.16 and .17.)
- t. The actions which constitute an IPV and the penalties to be applied to an individual who committed an IPV.
- u. At application and each annual redetermination, applicants/recipients shall receive an informing notice regarding the availability of Stage One child care (see Section 47-301.2).
- 

---

**HANDBOOK BEGINS HERE**

---

- v. See Section 89-730 for the additional informing requirements for applicants subject to the California Work Pays Demonstration Project as specified in Division 89.
- 

---

**HANDBOOK ENDS HERE**

---

- w. The applicant's responsibility for identifying and providing information about third parties who may be liable for medical care and services.
-

<b>40-181</b>	<b>CONTINUING ACTIVITIES AND DETERMINATION OF ELIGIBILITY</b>	<b>40-181</b>
---------------	---	---------------

(Continued)

- (h) The county is responsible for continuing identification of service needs of the recipient, including medical assistance, and to provide prompt referral for these services.
- (i) Referrals for child abuse and neglect are mandatory and may be made without the knowledge or consent of the relative or other person with whom the child is residing.
  - (1) Income Maintenance staff shall refer to protective services whenever they suspect a child is being abused, neglected or exploited or that the home in which the child is living is unsuitable.
  - (2) Income Maintenance staff shall cooperate with protective services, the court, or other agency in planning or implementing action in the best interest of the child.
- (j) Index and file controls shall be established and maintained to ensure appropriate and timely action on items which could affect the recipients' eligibility or the amount of aid. This includes, but is not limited to, maintaining a "tickler file" informing eligibility workers when annual redeterminations are due.
- (k) Documents and/or evidence required of the applicant/recipient to support the initial and/or continuing determination of eligibility must be received by the county on or before the appropriate deadline established by the county and/or in conjunction with each Eligibility Chapter or these regulations. However, when the deadline falls on a Saturday, Sunday or holiday, the documents and/or evidence received on the first business day following the weekend or holiday shall have the same effect as if it had been received on the appointed day.
- (l) At each annual redetermination, recipients shall receive an informing notice regarding the availability of Stage One child care (see Section 47-301.2).
- (m) The county shall inform recipients in writing as specified in Section 40-105.4(c) of the requirement to obtain age-appropriate immunizations for all children in the AU under the age of six. Recipients shall also be informed of any county-specific immunization requirements. This informing shall include but is not limited to the criteria for what constitutes good cause, as defined by the county.
- (n) The county shall inform recipients in writing of the requirement that all school-age children in the AU must regularly attend school, as specified in Section 40-105.5(a). Recipients shall also be informed of any county-specific school attendance requirements. This informing shall include but is not limited to: what constitutes irregular school attendance, the criteria for what constitutes good cause, time frames for complying, and the penalties for not complying.

<b>40-181</b>	<b>CONTINUING ACTIVITIES AND DETERMINATION OF ELIGIBILITY</b>	<b>40-181</b>
---------------	---	---------------

(Continued)

- (o) See Section 42-715 for general county responsibilities for addressing domestic abuse as part of continuing activities and eligibility determination.

.2 Periodic Determination of Eligibility

.21 A redetermination of all circumstances of the recipient subject to change shall be completed at least once every twelve (12) months. The applicant/recipient shall complete the appropriate Statement of Facts at the time of application and at least once every 12 months after determination of eligibility. At the time of the annual redetermination and completion of the appropriate Statement of Facts, each recipient shall be either given or mailed informational material required by SDSS.

.211 For AFDC-FG/U brochures describing benefits available under the Child Health and Disability Prevention (CHDP) program and how and where the benefits are provided within the county shall be given to the recipient during the redetermination interview specified in .311 below. Provisions of CHDP informational material shall be documented by notation upon the CA 2 form.

.212 Recipients of AFDC-FG/U shall be informed of the availability of reduced income supplemental payments and of the necessity that an assistance unit request the payment in order for it to be provided.

.213 The determination shall be considered completed as soon as the appropriate Statement of Facts has been reviewed and a decision made and recorded by the Eligibility Worker as to whether eligibility continues or ineligibility exists. The next due date for completion of the Statement of Facts shall be established in relationship to this decision. In no event shall the decision on the completed Statement of Facts be delayed solely for the purpose of avoiding a change in the periodic due date of determination of eligibility.

.214 If a recipient's circumstances change in such a way that it is necessary to review certain aspects of eligibility before the next Statement of Facts is due, the county shall decide whether a new Statement of Facts shall be completed. If the county decides it is necessary that the Statement of Facts be completed before the scheduled redetermination date, the next due date shall be adjusted accordingly.

<b>42-711</b>	<b>WELFARE-TO-WORK PARTICIPATION REQUIREMENTS</b>	<b>42-711</b>
---------------	---	---------------

(Continued)

(b) A general description of the welfare-to-work program, including available activity components and supportive services, including child care that is available under Section 42-750.11.

(1) Information regarding child care shall include the following:

(A) For an individual to receive child care, he or she must request and be determined eligible for the services:

(B) Payments for child care services cannot be made for care provided more than 30 calendar days prior to the applicant's or recipient's request for child care, pursuant to Section 47-430.2; and

(C) The individual is responsible for any child care services received prior to the 30-calendar-day period in Section 42-711.522(b)(1)(B).

(c) A general description of the rights, duties, and responsibilities of the participants, including the following:

(1) A list of the exemptions from the required participation pursuant to Section 42-712;

(2) The consequences of a failure or refusal to take part in the program activity(ies), pursuant to Section 42-721, and the criteria for successful completion of the program;

(3) A description of good cause criteria for noncooperation, pursuant to Sections 42-713 and 42-721.3;

(4) The right to request a state hearing or file a formal grievance, pursuant to Section 42-721.5;

(5) The right to a third-party assessment, pursuant to Section 42-711.556.

<b>42-711</b>	<b>WELFARE-TO-WORK PARTICIPATION REQUIREMENTS (Continued)</b>	<b>42-711</b>
---------------	---	---------------

- (d) A statement that the participant has the following grace periods:
  - (1) Three (3) working days after the completion of the welfare-to-work plan or subsequent amendments to the plan to evaluate, and request changes to, the terms of the plan, pursuant to Section 42-711.636.
  - (2) Thirty (30) days from the beginning of the initial training or education assignment activity to request a change or reassignment to another activity, pursuant to Section 42-711.637.
- (e) School attendance requirements for children in the assistance unit.

.523 During the appraisal, the individual shall provide information about their employment history and skills, the need for supportive services, and any other relevant information the CWD requires in order to assign welfare-to-work activities appropriately.

.524 If the CWD denies an individual's request to continue in a SIP, pursuant to Sections 42-711.541 and/or .542, the CWD shall notify the participant in writing that the SIP was denied, the reason(s) for the denial, and the right to appeal the denial.

**.53 Job Search**

.531 Recipients are required to participate in job search activities. At the option of the CWD, applicants may voluntarily participate. Exceptions to the requirement that all recipients must participate in job search activities are as follows:

- (a) Participation in job search has been determined not to be beneficial pursuant to Section 42-711.533.
- (b) Participation in job search shall not be required if the job search schedule will interfere with unsubsidized employment or participation in an approved SIP as specified in Section 42-711.54.
- (c) The individual is required to participate in, is participating in, or is exempt from Cal-Learn or is 19 years old and has not yet earned a high school diploma or equivalent certificate.
  - (1) Upon earning a high school diploma or its equivalent, the above individuals shall not be required, but may be permitted, to participate in job search activities as their first program assignments following an appraisal.

**TABLE OF CONTENTS****CHAPTER 47-100 THE STAGE ONE CHILD CARE PROGRAM**

	<b>Section</b>
Introduction to the Stage One Child Care Program .....	47-101
Introduction .....	.1
Intent of the Child Care Program .....	.2
The Goal of the Child Care Program .....	.3
Administration of Stages .....	.4
Child Care Partnerships .....	.5
Stage One Child Care .....	.6
Stage Two Child Care .....	.7
Stage Three Child Care .....	.8
Extent of These Regulations .....	.9
Definitions .....	47-110
Child Care Request Process .....	47-120
Child Care Request Method .....	.1
Required Information .....	.2
Approval Process .....	.3

**This page is intentionally left blank.**

<b>47-110</b>	<b>DEFINITIONS (Continued)</b>	<b>47-110</b>
---------------	--------------------------------	---------------

- |  |                                   |  |
|--|-----------------------------------|--|
|  | (2) Resource and Referral Program | "Resource and Referral Program (R & R)" means a program that provides information and referrals for child care, information and referrals for community services, and coordination of community resources. |
|  | (s) (Reserved)                    |  |
|  | (t) (Reserved)                    |  |
|  | (u) (1) Underpayment              | "Underpayment" means payments for child care services that are less than the amount which either the client or the child care provider is eligible to receive.   |

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 42 U.S.C. 9858 et seq.; 42 U.S.C. 9801 Note (b)(4); 42 U.S.C. 9858c(c)(2)(H); 42 U.S.C. 9858c(c)(2)(A) and (c)(5); 42 U.S.C. 9858e; 42 U.S.C. 9858n; 45 CFR 98.15(a)(3); 45 CFR 98.20(b)(3); 45 CFR 98.30; 45 CFR 98.42; Sections 8208, 8208.1, 8263, 8264, 8354 and 8357, Education Code; Section 1596.792, Health and Safety Code; Sections 11320.3, 11323.2, 11323.4, and 11324, Welfare and Institutions Code; Budget Act: AB 107, Chapter 282, Statutes of 1997, Item 6110-196-0001, Provision 9, and Item 6870-101-001, Provision 16(c).

<b>47-120</b>	<b>CHILD CARE REQUEST PROCESS</b>	<b>47-120</b>
---------------	-----------------------------------	---------------

- |  |                              |  |
|--|------------------------------|--|
|  | .1 Child Care Request Method | The client may request Stage One child care from a CalWORKs worker either verbally or in writing upon entry into the CalWORKs assistance program or at any subsequent time.  |
|  | .11 Verbal Request           | When a Client makes a verbal request for child care, the county shall document the request, provide a copy of the documentation to the person responsible for processing child care requests who retains a copy in the child care case file, and provide or mail a written confirmation to the client. |
|  | .111 Date of Request         | The date of the request is the date the county receives the client's verbal request.   |

<b>47-120</b>	<b>CHILD CARE REQUEST PROCESS (Continued)</b>	<b>47-120</b>
---------------	---	---------------

.12	Written Request	A written request may include, but is not limited to, the county's child care request form, a notation on the informing notice, the eligibility/status report, or a letter from a client.
-----	-----------------	---

.121	Client Responsibility	The client shall deliver or mail the written request to the county.
------	-----------------------	---

.122	County Responsibility	Upon the receipt of a written request, the county shall date stamp the request, retain a copy in the case file, provide a copy to the person responsible for processing child care requests who retains a copy in the child care case file, and provide or mail a written confirmation to the client.
------	-----------------------	---

.123	Date of Request	The date of request shall be determined as follows:
------	-----------------	---

(a)	If the client hand delivers the written request, the date of the request shall be the date stamped by the county.
-----	---

(b)	If the client mails the request, the date of the request shall be the date postmarked on the envelope. The county shall retain a copy of the envelope in the case file. If the request date cannot be determined by the postmark, the date of the request shall be three days prior to the date stamped by the county.
-----	--

.2	Required Information	The county shall inform clients that the following information must be received in order to process their child care request:
----	----------------------	---

.21	Client Information	Client information as specified in Section 47-320.2; and
-----	--------------------	--

.22	Provider Information	Provider information as specified in Section 47-260.
-----	----------------------	--

<b>47-120</b>	<b>CHILD CARE REQUEST PROCESS (Continued)</b>	<b>47-120</b>
---------------	---	---------------

	.23	County Responsibility	The county shall assist the client as needed in obtaining the necessary information to determine eligibility.
--	-----	-----------------------	---

	.3	Approval Process	
--	----	------------------	--

	.31	Processing Time Frame	The county shall process the child care request and determine the eligibility of the client and child care provider within ten calendar days of receiving the information specified in Section 47-120.2.

	.311	Denial of Request	If the county has not received the required information from the client and/or the child care provider within 30 calendar days, the county may deny the child care request.
--	------	-------------------	---

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 11323.3, Welfare and Institutions Code.

**This page is intentionally left blank.**

**CHAPTER 47-300 RESPONSIBILITIES OF THE COUNTY**

**47-301 ADMINISTRATION OF CHILD CARE SERVICES 47-301**

- |    |  |   |
|----|--|---|
| .1 | County Welfare Department Responsibility | Counties shall inform families of the availability of child care subsidies and ensure that families have access to child care subsidies whenever the need for child care occurs resulting from employment or participation in any county-approved activities. |
| .2 | Informing Notice Requirement             | The county shall provide the applicant/recipient with an informing notice that informs the individual of the availability of Stage One child care.  |

---

**HANDBOOK BEGINS HERE**

---

- |     |  |
|-----|--|
| .21 | The county is encouraged to also inform families orally of the availability of child care subsidies. |
|-----|--|

---

**HANDBOOK ENDS HERE**

---

- |     |                          |  |
|-----|--------------------------|--|
| .22 | Informing Notice Content | The informing notice for Stage One child care shall contain the following information:   |
| (a) |                          | A statement that the applicant/recipient is eligible for CalWORKs Stage One child care while he or she works or participates in approved welfare-to-work activities, including participating as a volunteer, to the extent that he/she meets the eligibility criteria;                               |
| (b) |                          | A statement that child care payments in CalWORKs Stage One shall not be made for services provided more than 30 calendar days prior to the applicant's/recipient's request for child care and that the applicant/recipient is responsible for any child care services received prior to this period; |

<b>47-301</b>	<b>ADMINISTRATION OF CHILD CARE SERVICES (Continued)</b>	<b>47-301</b>
---------------	--	---------------

- (c) A statement that in order to receive paid child care, the applicant/recipient shall request child care from the worker, provide the information specified in Sections 47-320.2 and 47-260 to the worker within 30 calendar days to determine eligibility and be determined eligible. If the applicant/recipient and/or child care provider do not provide the required information within 30 calendar days, the child care request may be denied;
- (d) A statement that the child care provider has to meet certain requirements and that the applicant/recipient is responsible for any child care services received if the child care provider is determined ineligible;
- (e) A statement that the applicant/recipient shall be responsible for informing the county of their need for Stage One child care as soon as the need arises and each time they change child care providers;
- (f) A statement that the applicant/recipient may use the informing notice to request child care if they need it at the time they receive the notice. The informing notice shall include a space for the applicant/recipient to indicate whether or not they need child care;
- (g) A statement that the applicant/recipient may request assistance from the county to find and choose a child care provider. The informing notice shall include the name, address and phone number of the local child care resource and referral agency;
- (h) A statement that the applicant/recipient shall be responsible for informing the county within 30 calendar days from the first and any subsequent child care provider in order to receive payment for the services provided;

<b>47-301</b>	<b>ADMINISTRATION OF CHILD CARE SERVICES (Continued)</b>	<b>47-301</b>
---------------	--	---------------

- |  |      |  |
|--|------|--|
|  | (i)  | A statement that the applicant/recipient may request assistance from their worker if he or she has any questions or needs additional information. The informing notice shall include the worker's name and telephone number; and |
|  | (j)  | A statement that applicant/recipient has read and understands the informing notice.  |
|  | .23  | The informing notice shall be provided each time the applicant/recipient:  |
|  | .231 | Applies for CalWORKs cash assistance and at annual redetermination;  |
|  | .232 | Signs an original welfare-to-work plan; and  |
|  | .233 | Signs an amended welfare-to-work plan.   |
|  | .24  | The county shall provide the applicant/recipient with the county's child care request form upon request.   |

---

**HANDBOOK BEGINS HERE**

---

- |  |      |   |
|--|------|---|
|  | .25  | To ensure that the applicant/recipient is reminded of the availability of Stage One child care, the county may provide the informing notice to the applicant/recipient at any point in time, including the following: |
|  | .251 | Along with the mailing of the eligibility/status report;  |
|  | .252 | When the county issues a warrant;   |
|  | .253 | When a Notice of Action is sent out to the applicant/recipient, especially one related to an increase in income; or   |

---

**HANDBOOK CONTINUES**

---

<b>47-301</b>	<b>ADMINISTRATION OF CHILD CARE SERVICES (Continued)</b>	<b>47-301</b>
---------------	--	---------------

---

**HANDBOOK CONTINUES**

---

	.254	Each time the applicant/recipient has contact with the county welfare office or worker on any other matter.
--	------	---

---

**HANDBOOK ENDS HERE**

---

	.26 Applicant/Recipient Responsibility	The applicant/recipient shall sign and return the informing notice to the county when the informing notice is provided as required by Section 47-301.23.
--	--	--

	.27 County Responsibility	When the applicant/recipient returns the informing notice, the county shall date stamp the notice, retain a copy in the case file, provide a copy to the child care worker, and provide a copy to the applicant/recipient.
--	---------------------------	--

	.271 Refusal to Sign/Return	If the applicant/recipient refuses either verbally or in writing to sign and /or return the informing notice, the county shall document the refusal. A documented refusal shall have the same effect as a signature.
--	-----------------------------	--

	(a)	Failure to sign an informing notice that has been mailed to an applicant/recipient does not in itself constitute a refusal to sign the notice.
--	-----	--

	.28 Former CalWORKs Clients	Former CalWORKs clients who receive child care services in Stage One shall receive and sign the informing notice at least annually.
--	-----------------------------	---

.3	Referral for Child Care Services	The county shall refer clients needing child care services to the local child care resource and referral program.
----	----------------------------------	---

<b>47-301</b>	<b>ADMINISTRATION OF CHILD CARE SERVICES (Continued)</b>	<b>47-301</b>
---------------	--	---------------

---

---

**HANDBOOK BEGINS HERE**

---

- |     |   |  |
|-----|---|--|
| .31 | Local Resource and Referral Responsibility      | The local resource and referral program assists families in establishing stable child care arrangements as soon as possible. These include licensed and license-exempt care.       |
| .32 | Colocation of Local Resource and Referral Staff | Local Resource and Referral staff are required to colocate with the county's case management offices or arrange other means of swift communication with parents and case managers. |

---

**HANDBOOK ENDS HERE**

---

**This page is intentionally left blank.**